

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LINDA MCCLENDON,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:15-CV-1328-SPM
)	
PROGRESSIVE MAX INSURANCE)	
COMPANY,)	
)	
Defendant.)	

ORDER REMANDING CASE TO STATE COURT

This matter is before the Court on Plaintiff Linda McClendon's Motion to Remand Case to State Court. (Doc. 8). Defendant Progressive Max Insurance Company consents to the remand of the case. (Doc. 9). The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 10).

Plaintiff originally filed this action in the Circuit Court for the City of St. Louis, State of Missouri. Defendant removed the case to this Court based on 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441(a), asserting that complete diversity of citizenship existed and that the amount in controversy exceeded \$75,000. (Doc. 1). In support of her motion to remand, Plaintiff submits an affidavit stipulating that she will not ask for or accept an amount of damages in excess of \$74,900.00.

Because it is undisputed that the amount in controversy in this case is not greater than \$75,000, this Court has no subject matter jurisdiction over this case. *See* 28 U.S.C. § 1332(a). Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Remand Case to State Court (Doc. 8) is **GRANTED**.

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Circuit Court of St. Louis City, Missouri.

Dated: September 18, 2015.

/s/ Shirley Padmore Mensah
SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE